

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

May 12, 2009

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:01 PM, Tuesday, May 12, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Pro Tem Robert Flint. Present were Trustees Brett Mitchell, Norm Nyberg, Mark Boston, Keith Baker, Joel Benson, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Airport Manager Bob Johnson, Police Chief Jimmy Tidwell, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Mayor Russell was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Flint led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Benson, seconded by Trustee Mitchell, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. **Minutes**
 - 1. Regular Meeting – April 28, 2009
- B. **Advisory Board Minutes**
 - 1. Planning & Zoning Commission
 - 2. Airport Board
 - 3. Trails Advisory Board

Trustee Boston noted a correction on page 14, the 5th bullet should be "trail" and not "trial".

Trustee Benson noted on page 11 under motion #6, for clarification Council talked about this item later about scheduling it in June; on page 13 for clarification the 6th bullet Trustee Benson was asking about the engineering position under the header of civil engineer on the Administrators Report and the process we were engaged in. Mayor Pro Tem Flint asked if the word "civil" needed to be eliminated and Trustee Benson reiterated the title was "civil engineer" and he was fine with the language.

Motion #2 by Trustee Benson, seconded by Trustee Boston to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Evelyn Baker, 520 Arizona, brought before Council that last year during the installation of the water main on Hwy. 24 business owners were told landscaping that was taken out would be replaced as it was found and to date none of that has happened. Evelyn stated we are in tourist season and weeds are starting to grow, landscaping can be done to control it and asked what the action will be to restore the landscaping and to work with business owners and property owners before putting things back and noted they have photographs of their landscaping before construction began.

Carl Bauer, 30000 CR 371, presented a proposal for Off Highway Vehicles (OHV) getting access into Town to boost business, noted they camp at 4 Mile and won't come to Town to spend any money unless they can bring their unlicensed OHVs. Carl provided a map outlining access on E. Railroad and down Tabor to allow riders to go from lodging properties to the camp areas and gas stations, the request is for licensed drivers, Waldon and Jackson County have done this, there will be no crossing the Highway nor Main Street, the High Rocky Riders would pay for signage and they are working with the County to open CR 371 which is the next step in the proposal.

Mike Simpson, 13959 Meadow Lane, stated the High Rocky Riders are a 230 member club, they sponsor a number of rides, work in partnership with Friends of Four Mile, want to develop the plan to provide limited access to the Town, hotels are in favor of limited access and this will generate income for the Town.

RESPONSE TO PUBLIC COMMENT

Landscaping: Roy Gertson was absent and Sue will follow-up.

OHVs on Town Streets: Mayor Pro Tem Flint stated Council had a map at the last meeting and asked for input from Chief Tidwell. Jimmy advised that he spoke with Carl and has no authority to grant the request; if the route is done right and Council approves, the Police Dept. would not have a problem with it. Attorney Phillips stated statute allows OHVs on designated streets and has to be done by Council.

Discussion followed on the approval can be done by Resolution with public input; CR 371 is not currently open in the County; weight restrictions on a bridge near Cotopaxi so there is more anticipated ATV traffic at the north end of the County; 10 ATVs per hour are expected on the total route; getting additional information on numbers and anecdotal items/evidence on impacts to Leadville, access through the ALCO lot to get to the gas stations. This item will be discussed during Trustee/Staff Interaction. Discussion continued on time frame i.e. usage before September and Carl will try to meet with the County Commissioners within the next week to discuss this proposal for County Road access.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER AN APPLICATION FOR PRELIMINARY PLAT APPROVAL OF A MAJOR SUBDIVISION, PUD AND ZONING CHANGE FOR COTTAGE GLEN, SAMUEL MICK APPLICANT

Town Administrator Boyd noted Council approved the Sketch Plan Jan. 27, the Town Planner did an initial review with a memo for P&Z before her departure and we discovered some pieces of new information. The subject property is located at 501 S. Railroad; the Hsu property is to the west end with the High School to the south; the Subdivision is comprised of nine residential units; Cottage Lane loops to an access easement on the north end of the property that does not allow for utilities. Sue outlined several aspects of the application: the conditions outlined in Sketch Plan approval have been incorporated into the Preliminary Plat with additional issues as outlined in the staff memo; P&Z recommendations were outlined i.e. the road, water main fire flow pressure and the plat note on on-street parking; the applicant has questioned whether P&Z said "paved roads", but they did approve the Preliminary Plat subject to staff working out remaining issues on the road; staff met with the applicant and we're concerned with the water connection across the access easement - the Hsu's have not allowed the developer to get an easement to construct the water main in a looped system; SGM and staff agreed that it would be OK to end at lot 9 and cap the line but construct it at a future time when it can be looped and done with minimal impact; the road should be paved with a minimum width of 10' and the proposal is for an 8' drive lane – we reached a compromise of a 9' drive lane. We are still discussing if it is a public or private road, the proposal is for a private road that will be maintained by the HOA with conditions on the final plat but if it becomes public it must meet Town standards; there are other items that were missed and are itemized under staff

recommendations. Staff's primary concern is the road - we did not reach an agreement with the developer on the surface and the construction; Roy Gertson provided a memo supporting staff recommendations for the road, we overlooked the water main that needs an easement – if it is a private road it needs to be added to the conditions; a list of conditions were provided by the developer tonight and we have not had a chance to review them and there is an area of unknown ownership at the south end of the PUD where the trail crosses that needs to be resolved.

Cameron Wilkins, The Crabtree Group, explained changes to the plan since Sketch Plan: Cottage Lane was reconfigured and we relocated parking from on-street to the east side of the development and the Fire Dept. approved the plan for fire safety April 13; we designated the road private as well as the open space since we cannot acquire access (HOA will maintain open space); the road will be gravel surface with decomposed granite and the trail will be gravel and privately maintained; will accommodate the Sangre De Cristo easement and adjusted lots 4, 5 and 6 so there was buildable space for the lots and easements; updated the zoning information with maximum height of 26'; maximum lot coverage of 50% and included fence standards and clean fire place burning standards; added site triangles on Railroad and will trim trees for safety; are working with Buena Vista Sanitation to enhance safety of the sewer main across Cottonwood Creek; did a drainage study to address the pond and it will be reverted and be suitable for a rain garden and included in the construction details; stubbed the water main – SGM did a water model to ensure adequate fire flow and that has been provided. Cameron stated the private lane is the only outstanding issue – they want to give the development a private/rural feel; changed cross section to accommodate the Fire Department that wanted a through street so they removed parking from the street and placed it on the east end to get the 16 feet; Street Guidelines for Healthy Neighborhoods was used as an example and the Smart Code version 9.2 calls for two 7' lanes with yield – we increased it to two 8' lanes. Cameron encouraged Council to look at the cross section at Foss Lake in Salida (16' surface with 4' shoulder) a County Road with a drive speed of 15 MPH, has a fair amount of traffic in the summer, the surface is asphalt, with two vehicles they do not encroach on the shoulder, there is another example in BV where there are gravel roads and emergency vehicles can get through the subdivision. Cameron stated they are proposing a private road with gravel surface and decomposed granite that provides dust mitigation and maintenance will be done by the HOA, the speed is 15 MPH; provided a fire template to show emergency access; proposed their conditions of approval with a plat note to restrict parking to designated areas per P&Z; if the road ever becomes a public road it comes back as a revised PUD application and requested approval with conditions as he presented.

A discussion followed on the private road feeding public access; the rain garden – the dam was built recently and did not take into account the flood plain – retention pond and holding water back with a buffer that can hold 40% of the volume of water and the remainder runs off into the traditional drain patterns into Cottonwood Creek; bio swales were done along Harrison Avenue at True Value and allows for less floods; SGM felt the bio swales were appropriate for drainage purposes regardless of the road surface; staff recommends two 9' travel lanes with a 2' shoulder within the 20' road ROW.

Mayor Pro Tem Flint opened the public comment portion of the hearing at 8:01 PM.

Dick Scar, 311 High Street, expressed concerned with access into the subject property and was opposed to more than one access off Railroad Street due to school traffic and buses. There are two access points and Sue noted a one way would not meet fire safety.

With no other comments received the comment portion of the hearing was closed at 8:04 PM.

Discussion followed on P&Z recommendations; the meaning of a rain garden with 50% pea gravel and 50% top soil and holds 40% of its volume of water; bio-swales in lieu of curb and gutter; vehicle access for fire trucks; SGM felt the bio-swales were appropriate regardless of the surface of the road (two 9' travel lanes with a 2' shoulder staff recommendation); the street and width which have been analyzed by staff and SGM needs to be addressed before continuing; private roads are not part of the code as are publicly owned streets; snow removal on the private road – the gravel surface will be class 5 and decomposed granite and will be compacted.

Paul Crabtree, 325 D Street, advised that decomposed granite as compacted binds tight and is hard and holds together and for snow removal you try not to move the granite around with the blade and they were looking for a concept of a "cottage court" feel for the subdivision.

Discussion continued on allowing gravel surface in Town and putting off costs of the asphalt to future homeowners and the road will probably be private forever (the HOA will be the residents); life span on bio swales (needs maintaining and native grass can withstand flooding and drought); if the HOA dissolves the Town would have to take over the road; staff explored several options with the developer on road surface and drive lanes; Sunflower Lane is 20'; there are 10' and 9' drive lanes in S. Main; a one way street would mitigate some concerns but is it practical; narrow streets slow traffic; the easement across the Hsu property states it is "an access to the property behind the Hsu property" and does not allow for installation of utilities and that is why a loop system is not proposed; Town Code specifies road standards for paving. Evelyn Baker, P&Z Chair, stated P&Z recommended that staff study the paving, they did not approve "paved" but working it out according to Public Works recommendation. Discussion continued on Police enforcement on the private road – Lee noted the MTC does not apply to private streets but trespassing could be enforced; the Town's 5 year capital plan was to pave all streets in Town; approve with street surface open or don't pass and continue to the next meeting to discuss the road surface; fence heights and clean burning fireplaces (written in the HOA and in the PUD zoning text); putting signage on Railroad to slow traffic; crosswalks will be added on Railroad with pedestrian striping; there will be a stop sign at each access point; 8' drive lane with one 4' shoulder and staff recommends 9' drive lanes with a 2' shoulder on each side (easement on south side makes it tight) and the shoulder is drive-able with a gentle slope; a 4' sidewalk is proposed adjacent to the lots; SGM would have liked 10' drive lanes but felt 9' was adequate; paving vs. other methods; affordability and a rustic feel; Town services on Town owned streets; people do not look at a road maintenance plan when they purchase property.

Motion #3 by Trustee Mitchell, seconded by Trustee Nyberg, to approve the Preliminary Plat with 8' drive lanes, 4' shoulders, bio swales and the road be paved with asphalt. Discussion held on staff recommendations to be included.

Trustee Mitchell amended his motion to include staff recommendations, seconded by Trustee Nyberg. Motion carried. A resolution will be brought to the next meeting incorporating the conditions.

A recess was taken from 8:55 PM to 9:01 PM.

Should the Board approve adoption of Resolution #35, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING THE LOAN TERMS FOR THE 401 (A) AND 457 RETIREMENT PLANS WITH COLORADO COUNTY OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION (CCOERA)**"?

Christine DeChristopher outlined a plan amendment to the Town's 401(a) that was approved previously, when the paperwork was sent in they advised us we could do loans but it was never set up, they sent the paperwork for the 457 to allow for loans also and this Resolution will clear up the paperwork.

Discussion held on Sec. 1 of the Resolution if the Mayor is authorized to "amend" and be signed by the Mayor. Attorney Phillips advised it is "typical and proper" for the Mayor to authorize and execute.

Motion #4 by Trustee Benson, seconded by Trustee Baker, to approve Resolution #35, Series 2009. Motion carried.

Should the Board approve adoption of Resolution #36, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING THE TOWN TREASURER TO ISSUE A PURCHASE ORDER FOR BUDGETED VEHICLES**"?

Christine DeChristopher noted this is a process we have not followed before, these are large purchases per bid similar to the construction bid, we received bids and need acceptance by Council to complete the formal bid process for items over \$5,000. We had specific vehicles that the Police and Public Works needed, had specs from both that were put in the bid document along with non-specific use vehicles, sent the RFP to Ford dealers and Salida Auto (8 total) and in the newspaper and received four bids and staff recommends accepting the low bid.

Discussion held on order deadline (May 15) and how it works; Police Dept. will retain Crown Vic's; the Impala does not meet needs for a police vehicle, March sales tax.

Motion #5 by Trustee Nyberg, seconded by Trustee Mitchell, to approve Resolution #36, Series 2009. Roll call vote: Flint-aye, Nyberg-aye, Boston-aye, Benson-aye, Baker-aye, Mitchell-aye. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR/DEVELOPMENT STATUS UPDATES

Town Administrator Boyd had the following items to cover:

- Chaffee County Energy Plan discussions have continued and we're making progress on details; I attended a County Commissioners meeting and they asked the Administrators to convene and put more specificity into the project and we are in the process of doing that; the proposed BV share will be \$2500 and we will be getting more details before bringing back before Council.
- We discussed a work session on the 26th at 6 PM to discuss the supplemental budget, personnel policies and other budget items.
- There is a proposed joint meeting May 20 with the Chamber Board. More information will be coming.
- Mayor Pro Tem Flint advised there was an open house on affordable housing Saturday at 10 AM at the habitat duplex.
- Trustee Nyberg asked about contact with Roy. Sue noted he works 2-3 hours per day and the evenings are tough for him. Norm asked about a bump near E. Arkansas that needs filling and one at the north side of Alpine Lumber. Sue stated Roy has it on the "to do" list.
- Trustee Baker asked about the timeline on Main Street. Sue stated "so far so good", it is on target to finish; the asphalt is all the way to the highway and the crosswalks and bump-outs are next; the crosswalks will entail more street closures and the cure time is longer for concrete; the estimated finish date is June 5 per the contract.
- Trustee Mitchell asked about negotiations for the Planner. Sue advised that Shannon Haydin will start June 1, she has a wide variety of planning experience and is looking forward to coming back to a smaller community.
- Trustee Benson asked about target dates at the airport, noted he spoke with someone about the idea of the airport as a high altitude test center and it reminded him of the business plan. Sue advised Christine wants to look at that budget and she volunteered to take it with her on vacation next week and then Bob Johnson and I can look at the preliminary draft soon and move forward.
- Trustee Benson referenced the school partnership and stated a few years ago we discussed doing a land swap and ball field and about the status. Sue stated the ideas are still floating around. Joel noted an old agreement that was presented to the School Board and how they were insulted by it and they no longer wanted to negotiate. Sue will do some research.

TOWN TREASURER REPORT:

- Trustee Benson asked about the Sangre De Cristo bill. Christine stated it is split with the General, Water and Airport funds with a base rate of \$12.60, the electric is on top of that based on the application.
- Trustee Boston asked if the election judges salaries were included in the election memo totals. Town Clerk Spomer stated they were.

TRUSTEE/STAFF INTERACTION

- Trustee Flint asked about a public meeting regarding the OHVs and noticing in the newspaper. Discussion held on a public hearing vs. public input session; Carl will proceed with the County approvals at the same time for CR 371 and will gather information for Council's decision. The public meeting will be noticed for June 9.
- Trustee Flint asked Sue to talk to Roy about the road in front of the Trail Head. Sue advised she spoke with Evelyn Baker during the break who thought it was addressed with the contractor and was their obligation. Christine noted they have completed their responsibilities and have been paid. Sue will talk to Roy.
- Trustee Boston heard a Commissioner state that Mark Mueller's idea for a business was being discouraged by the airport board members. Bob Johnson stated they were in favor of it and some individuals felt we should let the businesses slide over to the private sector, they researched a temporary shipping office for the dry ice and the only way to do it with their specifications was to do it at the airport. Trustee Boston asked about used car sales in the parking lot on Hwy. 24 by the new consignment shop if it was allowable. Attorney Phillips will research this item.

ADJOURNMENT

Motion #6 by Trustee Benson, seconded by Trustee Boston, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:37 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer